

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
January 5, 2021

The City Council convened in a Regular City Council Meeting on Tuesday, January 5, 2021, at 7:00 p.m. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Bridget Ohmes, presiding, and Mayor Dan Borgmeyer and Members of the Council present as follows: Tom Besselman, Michael Flandermeyer, Michael Galba, Bart Haberstroh, Mary Ann Ohms, Vince Ratchford, Jerry Reese and Mary West. Absent: Denise Mitchell. City Clerk Laura Whitehead was present and performed the duties of that office.

File #46066

A motion was made by BART HABERSTROH to excuse the absence of Councilmember Denise Mitchell. VINCE RATCHFORD seconded the motion. All voted in favor. Motion passed.

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

PUBLIC HEARING

The President of the Council Bridget Ohmes announced that the Public Hearing would now be held. At the conclusion of the hearing, the Regular Session continued with the order of business:

- A. PDA-2020-03. (Fischer & Frichtel Custom Homes, LLC) An application to amend the governing ordinance (Ord #15-146) and the approved preliminary development plan for the Villages of Provence subdivision, specifically to accommodate 32 single-family detached homes in lieu of the previously approved 180 multi-family units upon an 8.26 acre tract known as Parcel ID #6-006A-3280-00-0007.3. The subject property is located in Ward 7. *(RCA Attached)*
- B. Case No. CU-2020-13. (Vivian Lee Motors – Gary Newton) An application for a Conditional Use Permit from §400.220(C)(1)(c) for a motor vehicle sales use within the C-2 General Business District located at 2531 W Clay Street. The subject property is located in Ward 2. *(To be Withdrawn) (RCA Attached)*
- C. Case No. CU-2020-14. (Mike Fuson) An application for a Conditional Use Permit from §400.220(C)(1)(e) for a microbrewery use within the C-2 General Business District located at 405 Droste Road. The subject property is located in Ward 9. *(RCA Attached)*

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- D. Case No. TA-2020-13. (City of St. Charles) An application to amend Chapter 400 of the Code of Ordinances by amending §400.525 Short Term Rentals, specifically to revise the permit's period of validity. **(Council Bill 13215)**
- E. Case No. TA-2020-14. (City of St. Charles) An application to amend Chapter 400 of the Code of Ordinances by amending §400.1320 Recognized Neighborhood Review Groups, specifically in regards to discrimination by the neighborhood review groups. **(Council Bill 13218)**
- F. Case No. TA-2020-15. (City of St. Charles) An application to amend Chapter 400 of the Code of Ordinances by amending §400.220 C-2 General Business District, §400.270 CBD Central Business District, and §400.350 HDD Historic Downtown District pertaining to Auditorium and Meeting Facility land uses. This amendment proposes adding Meeting Facility as a permitted use within the C-2 General Business District and the CBD Central Business District while limiting an Auditorium and Meeting Facility to a conditional use within the HDD Historic Downtown District. **(Council Bill 13216)**
- G. Case No. TA-2020-16. (City of St. Charles) An ordinance amending Code of Ordinances Section 410.010 and 410.030 pertaining to Flood Damage Prevention to Incorporate the March 9th, 2021 Map Amendment. **(Council Bill 13217)**

REPORT OF THE MAYOR

Written and/or Verbal Messages from Mayor Daniel J. Borgmeyer

The Honorable Mayor Dan Borgmeyer provided an update on the following topics: St. Charles County COVID-19 vaccination plan, Council Bill 13174 relating to shipping containers in French Town, Homelessness situation in the City, North Main Street. In reference to the businesses on North Main Street, Mayor Borgmeyer further reported he is rescinding the Executive Order tonight relating to the 50% food sales requirement. Effective immediately all restaurants must generate 50% in food sales vs. liquor sales. Mayor Dan further reported he is bringing discussion to the next work session regarding tattooing and piercing, and a brief update was provided on the Salvation Army Bell Ringing Challenge.

Director of Administration Larry Dobrosky reported City Departments are going to start coming to the meetings to provide the Council with updates relating to their departments.

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ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Council President Bridget Ohmes reported the next St. Charles County Municipal League meeting is being hosted by the City of Saint Charles and is being held in New Town on Tuesday, January 26, 2021 at 6:00 p.m. and all councilmembers are invited to attend.

PUBLIC COMMENTS

Paul Schifano, 3550 West Clay Street, voiced concerns regarding the MoDOT Highway 70 Interchange and one-way roads.

Robert Sandfort, 200 Sandfort Lane, St. Charles, Missouri, spoke in opposition to the outer roads.

Dan Groevenor, 3690 West Clay Street, St. Charles, Missouri, spoke in opposition to one-way outer roads.

Nicole Cline, 1055 Sandfort Farm Drive, St. Charles, Missouri, voiced concerns regarding the I-70 MoDOT project.

Megan Crockett, 86 Susan Drive, St. Charles, Missouri, voiced concerns regarding the I-70 project.

Dennis Wappelhorst, 3830 West Clay, spoke in opposition to the one-way outer roads.

Dave Zeiser, 4760 North Service Road, St. Peters, Missouri, spoke in opposition to one-way roads, I-70 to Cave Springs.

Randy Schilling, 119 South Main Street, spoke in opposition relating to Council Bill 13208.

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Mayor Dan Borgmeyer requested Director of Engineering Brad Temme to come forward and explain the difference between the City of Saint Charles's posture and the City of St. Peters regarding the one-way outer roads. It was reported, staff is giving a presentation at next week's work session relating to this topic, and it is a public meeting. Anyone in attendance tonight is welcome to attend; however, there are no public comments at the work sessions.

RESOLUTIONS

- A. A RESOLUTION DECLARING ONE (1) SCOOTER ASSIGNED TO THE COMMUNITY DEVELOPMENT DEPARTMENT AS SURPLUS PROPERTY AND AUTHORIZING DISPOSAL BY ON-LINE AUCTION SERVICE GOVDEALS (*SPONSOR: MARY ANN OHMS*)
- Passed* "Aye": Ratchford, West, Besselman, Flandermeyer, Galba, Haberstroh, Ohmes and Ohms
"Nay": None
Absent: Reese and Mitchell
- Approved* by the Honorable Mayor on January 6, 2021 and is known as **Resolution R21-001**

- B. A RESOLUTION AUTHORIZING SUBMITTAL OF 2021 PROJECT APPLICATIONS FOR SURFACE TRANSPORTATION PROGRAM-SUBALLOCATED AND CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT FUNDING AVAILABLE THROUGH EAST WEST GATEWAY COUNCIL OF GOVERNMENTS (*SPONSORS: MARY ANN OHMS, TOM BESSELMAN, VINCE RATCHFORD, MARY WEST, DENISE MITCHELL, JERRY REESE, MICHAEL FLANDERMEYER, MICHAEL GALBA, BART HABERSTROH AND BRIDGET OHMES*)
- Passed* "Aye": Ratchford, West, Besselman, Flandermeyer, Galba, Haberstroh, Ohmes and Ohms
"Nay": None
Absent: Reese and Mitchell
- Approved* by the Honorable Mayor on January 6, 2021 and is known as **Resolution R21-002**

- C. A RESOLUTION DECLARING EQUIPMENT ASSIGNED TO THE POLICE DEPARTMENT AS SUPRLUS PROPERTY AND AUTHORIZING DISPOSAL BY ON-LINE AUCTION SERVICE GOVDEALS OR RECYCLING (*SPONSORS: JERRY REESE, DENISE MITCHELL AND MARY WEST*)
- Passed* "Aye": Ratchford, West, Besselman, Flandermeyer, Galba, Haberstroh, Ohmes and Ohms
"Nay": None
Absent: Reese and Mitchell

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Approved by the Honorable Mayor on January 6, 2021 and is known as **Resolution R21-003**

BILLS FOR FINAL PASSAGE

Bill 13201

AN ORDINANCE AUTHORIZING A CONTRACT WITH THE PAYMENT GROUP TO PROVIDE SOFTWARE TO PERMIT AN ONLINE PAYMENT PROGRAM FOR MUNICIPAL COURT AND POLICE DEPARTMENT (*SPONSOR: TOM BESSELMAN*)

Passed “Aye”: West, Besselman, Flandermeyer, Galba, Haberstroh, Ohmes, Ohms and Ratchford
 “Nay”: None
 Absent: Reese and Mitchell

Approved by the Honorable Mayor on January 6, 2021 and is known as **Ordinance 21-001**

Bill 13202

AN ORDINANCE AMENDING ORDINANCE NUMBER 19-256 BY AMENDING CERTAIN REVENUE, EXPENDITURE, AND FUND BALANCE ACCOUNTS FOR THE BUDGET FOR THE FISCAL YEAR 2020 (BUDGET AMENDMENT #15) (*SPONSOR: BRIDGET OHMES*)

Passed “Aye”: West, Besselman, Flandermeyer, Galba, Haberstroh, Ohmes, Ohms and Ratchford
 “Nay”: None
 Absent: Reese and Mitchell

Approved by the Honorable Mayor on January 6, 2021 and is known as **Ordinance 21-002**

Bill 13203

AN ORDINANCE AUTHORIZING A ST. CHARLES CONVENTION CENTER MANAGEMENT AGREEMENT AMONG THE CITY OF ST. CHARLES, MISSOURI, THE ST. CHARLES COUNTY CONVENTION AND SPORTS FACILITIES AUTHORITY AND GLOBAL SPECTRUM, LP. (*SPONSORS: JERRY REESE, MARY WEST, BART HABERSTROH AND VINCE RATCHFORD*)

Passed “Aye”: West, Besselman, Flandermeyer, Galba, Haberstroh, Ohmes, Ohms and Ratchford
 “Nay”: None
 Absent: Reese and Mitchell

Approved by the Honorable Mayor on January 6, 2021 and is known as **Ordinance 21-003**

Bill 13204

AN ORDINANCE AMENDING SECTION 135.210 OF THE CODE OF ORDINANCES PERTAINING TO COURT COSTS (*SPONSOR: BRIDGET OHMES*)

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Passed

“Aye”:	West, Besselman, Flandermeyer, Galba, Haberstroh, Ohmes, Ohms and Ratchford
“Nay”:	None
Absent:	Reese and Mitchell

Approved by the Honorable Mayor on January 6, 2021 and is known as **Ordinance 21-004**

Bill 13205

AN ORDINANCE AUTHORIZING THE CITY OF SAINT CHARLES, MISSOURI, TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PREPAY THE OUTSTANDING REFUNDING CERTIFICATES OF PARTICIPATION (CITY OF ST. CHARLES, MISSOURI, LESSEE), SERIES 2010; AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH (*SPONSOR: BRIDGET OHMES*)

Councilmember Tom Besselman requested to hold Council Bill 13205 until the Special Council meeting to be held on January 12, 2021.

Bill 13206 (Supplemental RCA Attached)

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN ST. CHARLES COUNTY AND CITY OF ST. CHARLES FOR USE OF ST. CHARLES COUNTY TRANSPORTATION SALES TAX FUNDS FOR THE RIVERPOINTE DEVELOPMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$7,000,000.00 (SPONSOR: VINCE RATCHFORD)

Councilmember Bridget Ohmes requested her name be added as sponsor on Council Bill 13206.

<i>Passed</i>	“Aye”:	West, Besselman, Flandermeyer, Galba, Haberstroh, Ohmes, Ohms and Ratchford
	“Nay”:	None
	Absent:	Reese and Mitchell

Approved by the Honorable Mayor on January 6, 2021 and is known as **Ordinance 21-005**

BILLS FOR INTRODUCTION

The following council bills were introduced:

Bill 13207

AN ORDINANCE REPEALING ORDINANCE NO.20-087 AND ENACTING A NEW ORDINANCE IDENTICAL TO ORDINANCE NO.20-087 EXCEPT FOR DELETING AND ADDING AUTHORIZED SIGNATORIES TO THE COMMERCE BANK NA, CARROLLTON BANK AND NEW FRONTIER BANK, NA ACCOUNTS (SPONSOR: BRIDGET OHMES)

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Bill 13208

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTIONS 600.010, 600.180, 600.260 AND 600.280 PERTAINING TO LIQUOR CONTROL; REQUIRING A 30% FOOD SALES REQUIREMENT IN THE HISTORIC DOWNTOWN DISTRICT AND MAKING TECHNICAL AMENDMENTS (*SPONSORS: JERRY REESE, MARY ANN OHMS, MICHAEL FLANDERMEYER, BART HABERSTROH, DENISE MITCHELL AND TOM BESSELMAN*)

Councilmember Bart Haberstroh requested his name be removed as sponsor on Council Bill 13208.

A motion was made by BART HABERSTROH to amend Council Bill 13208 to delete the proposed 30% food sales requirement in the Historic Downtown District (HDD) and add a 50% food sales requirement in the HDD. MICHAEL GALBA seconded the motion. A roll call vote was taken with the following results: "Aye": Haberstroh. "Nay": West, Besselman, Flandermeyer, Galba, Ohmes, Ohms and Ratchford. Absent: Mitchell. Motion failed.

Discussion was held regarding the 30% vs 50% food sales requirement. Administration to provide a report regarding the average food sales for the past three years, and how much money is spent on police enforcement vs the revenue the city receives from the North Main businesses.

Bill 13209

AN ORDINANCE AUTHORIZING A MULTI-WAY STOP SIGN AT THE INTERSECTION OF THIRD STREET AND BAYARD STREET (*SPONSORS: MARY ANN OHMS, VINCE RATCHFORD, MICHAEL FLANDERMEYER, MICHAEL GALBA, BART HABERSTROH AND BRIDGET OHMES*)

On behalf of Councilmember Denise Mitchell, City Clerk Laura Whitehead requested Ms. Mitchell's name be added as sponsor to Council Bill 13209.

Bill 13210

AN ORDINANCE AMENDING SCHEDULE III, TABLE III-A OF CHAPTER 350 OF THE CODE OF ORDINANCES BY ESTABLISHING A PARKING RESTRICTION ALONG A PORTION OF ADAMS STREET (*SPONSORS: MARY ANN OHMS, VINCE RATCHFORD, MICHAEL FLANDERMEYER, MICHAEL GALBA, BART HABERSTROH AND BRIDGET OHMES*)

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Bill 13211

AN ORDINANCE AMENDING SCHEDULE III, TABLE III-A OF CHAPTER 350 OF THE CODE OF ORDINANCES BY ESTABLISHING A PARKING RESTRICTION ALONG A PORTION OF GRAYSTONE DRIVE AND FOXGLOVE DRIVE (*SPONSORS: MARY WEST, VINCE RATCHFORD, MICHAEL FLANDERMEYER, MICHAEL GALBA, BART HABERSTROH AND BRIDGET OHMES*)

On behalf of Councilmember Denise Mitchell, City Clerk Laura Whitehead requested Ms. Mitchell's name be added as sponsor to Council Bill 13211.

Bill 13212

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN ST. CHARLES COUNTY AND CITY OF ST. CHARLES FOR USE OF ST. CHARLES COUNTY TRANSPORTATION SALES TAX FUNDS FOR THE ZUMBEHL ROAD AND IPSWICH LANE INTERSECTION IMPROVEMENTS PROJECT IN AN AMOUNT NOT TO EXCEED \$125,000.00 (*SPONSOR: BART HABERSTROH*)

Bill 13213

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN ST. CHARLES COUNTY AND CITY OF ST. CHARLES FOR USE OF ST. CHARLES COUNTY TRANSPORTATION SALES TAX FUNDS FOR THE HAWKS NEST DRIVE PROJECT IN AN AMOUNT NOT TO EXCEED \$800,000.00 (*SPONSORS: TOM BESSELMAN, MARY WEST, JERRY REESE AND BART HABERSTROH*)

Bill 13214

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN ST. CHARLES COUNTY AND CITY OF ST. CHARLES FOR USE OF ST. CHARLES COUNTY TRANSPORTATION SALES TAX FUNDS FOR THE DROSTE ROAD EXTENSION STUDY (PROJECT) IN AN AMOUNT NOT TO EXCEED \$120,000.00 (*SPONSORS: VINCE RATCHFORD AND BRIDGET OHMES*)

Bill 13215

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 400.525 PERTAINING TO SHORT TERM RENTALS (*SPONSOR: BRIDGET OHMES*)

Bill 13216

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTIONS 400.220, 400.270 AND 400.350 PERTAINING TO MEETING FACILITIES (*SPONSOR: BRIDGET OHMES*)

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Bill 13217

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTIONS 410.010 AND 410.030 PERTAINING TO FLOOD DAMAGE PREVENTION TO INCORPORATE THE MARCH 9, 2021 MAP AMENDMENT (*SPONSORS: BRIDGET OHMES AND MICHAEL GALBA*)

Bill 13218

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 400.1320 PERTAINING TO DISCRIMINATORY PRACTICES (*SPONSORS: TOM BESSELMAN, DENISE MITCHELL AND MARY ANN OHMS*)

Bill 13219

AN ORDINANCE CALLING A GENERAL OBLIGATION BOND ELECTION IN THE CITY OF SAINT CHARLES, MISSOURI, FOR THE PURPOSE OF ISSUING UP TO \$20,000,000 GENERAL OBLIGATION BONDS FOR THE PURPOSES OF LAND ACQUISITION, CONSTRUCTING, RENOVATING, FURNISHING AND EQUIPPING OF PUBLIC SAFETY FACILITIES; DESIGNATING THE TIME OF HOLDING SAID ELECTION; AND AUTHORIZING AND DIRECTING THE CITY CLERK TO GIVE NOTICE OF SAID ELECTION (*SPONSOR: JERRY REESE*)

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

Appointment to Board of Adjustment

A motion was made by MARY ANN OHMS to approve the re-appointment of Richard Alferman for a 5-year term ending in January, 2026. JERRY REESE seconded the motion. A roll call vote was taken with the following results: "Aye": Besselman, Flandermeyer, Galba, Haberstroh, Ohmes, Ohms, Ratchford, Reese and West. "Nay" None. Absent: Mitchell. Motion passed.

File #49067

CONSENT AGENDA

A motion was made by JERRY REESE to approve the Consent Agenda. VINCE RATCHFORD seconded the motion. A roll call vote was taken with the following results: "Aye": Flandermeyer, Galba, Haberstroh, Ohmes, Ohms, Ratchford, Reese, West and Besselman. "Nay": None. Absent: Mitchell. Motion passed.

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- A. Approval of Council Minutes
1. Regular City Council Meeting of December 15, 2020
 2. Public Hearing of December 15, 2020
- File #49068
- B. Approval of Council Committee Reports
1. Approval of Council Committee Minutes
 - a. Council Work Session (Closed) of December 1, 2020
 - b. Council Work Session (Closed) of December 15, 2020
 - c. Street Committee Meeting of December 15, 2020
- File #48981
- File #48981
- File #48987
2. Approval of Council Committee Motions/Actions/Recommendations
 - a. Council Work Session (Closed) of December 1, 2020 (*none*)
 - b. Council Work Session (Closed) of December 15, 2020 (*none*)
 - c. Street Committee Meeting of December 15, 2020
 - i. Motion to suspend the application of Code Section 115.405.D.1 pertaining to remote participation in tonight's Street Committee meeting
 - ii. Motion to allow Councilmember Vince Ratchford to participate remotely in tonight's Street Committee meeting
 - iii. Motion that staff move forward with filing of applications for 2021 Federal and County Funding for the following projects: (Priority 1) Duchesne Drive Reconstruction and (Priority 2) Muegge Road Pavement Preservation
 - iv. Motion to introduce legislation to establish a No Parking zone along the north side of Adams Street beginning at North Second Street to a point 150 feet west of the western curbline of North Second Street
 - v. Motion to introduce legislation to establish a No Parking zone along the east side of Graystone Drive from Foxglove Drive to a point 170 feet north of the Foxglove Drive northern curbline; and establishing a No Parking zone along the north side of Foxglove Drive from Graystone Drive to a point 120 feet east of the Graystone Drive eastern curbline
 - vi. Motion to introduce legislation to install a stop sign at the intersection of Third Street and Bayard Street

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C.	Receipts of Reports from Boards, Commissions or Committees
	1. Board of Public Works Meeting of November 23, 2020
File #49001	
	2. Landmarks Board Meeting of November 16, 2020
File #48993	
	3. Special Business District Advisory Board Meeting of November 5, 2020
File #48989	
	4. Convention & Visitors Commission Meeting of October 22, 2020
File #49000	
	5. Park & Recreation Board Meeting of October 21, 2020
File #49007	
	6. Human Relations Commission Meeting of October 15, 2020
File #48996	
	7. Convention Center Oversight Subcommittee Meeting of October 5, 2020
File #49014	
	8. Convention Center Oversight Subcommittee Meeting of August 31, 2020
File #49014	
	9. Board of Adjustment Meeting of December 7, 2020
File #49002	
	10. Park and Recreation Board Meeting of November 18, 2020
File #49007	
	11. Park and Recreation Board Meeting of December 2, 2020
File #49007	
	12. Planning & Zoning Commission Meeting of November 23, 2020
File #48995	
D.	Receipt of Reports of the Director of Administration (<i>none</i>)
E.	Approval of Contracts and Easements from \$30,001 - \$99,999 (<i>none</i>)
F.	Preliminary Plats (<i>none</i>)
G.	Miscellaneous
	1. Receipt of the Proposed Annual Budget for 2020 and 2021 as Submitted by the Board of Directors of the Riverpointe Phase 3 Community Improvement District (<i>Ward 3</i>)
File #49069	
	2. Report of the City Clerk Relative to Disposal of Various Records Pursuant to the Missouri Records Manual and State Records Retention Law (<i>City Clerk's Office</i>)
File #49070	

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TABLED BILLS

Bill 13174 *(To be removed from table at the January 5, 2020 Regular City Council Meeting) (Supplemental RCA & Proposed Substitute Bill No. 1 Attached)*

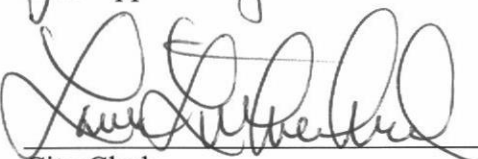
AN ORDINANCE AMENDING CODE OF ORDINANCES SECTIONS 400.220, 400.240 AND 400.290 PERTAINING TO SHIPPING CONTAINERS (SPONSORS: BRIDGET OHMES, JERRY REESE AND TOM BESSELMAN)

A motion was made by TOM BESSELMAN to remove Council Bill 13174 from the Table. MARY ANN OHMS seconded the motion. A roll call vote was taken with the following results: "Aye": Galba, Haberstroh, Ohmes, Ohms, Ratchford, Reese, West, Besselman and Flandermeyer. "Nay": None. Absent: Mitchell. Motion passed.

It was noted that Council Bill 13174 was tabled prior to being introduced; therefore, Council Bill 13174 will be listed as a Proposed Substitute Bill No. 1 for introduction at the January 19, 2021 Regular Council Meeting.

A motion was made by JERRY REESE to adjourn. MARY ANN OHMS seconded the motion. All voted in favor, motion passed.

The Regular City Council Meeting adjourned at 8:59 p.m.

January 19, 2021
Date Approved

City Clerk

Bridget Ohmes
Bridget Ohmes, Presiding Officer

